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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,014	07/09/2003	John K. Lewis	CCBI/0010	1130

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EXAMINER	
BOCHNA, DAVID	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/616,014	LEWIS, JOHN K.	
	Examiner	Art Unit	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) *12-21 and 35-53* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,22-34 and 54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 12-21 and 35-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected apparatus, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/16/05.

Information Disclosure Statement

2. The information disclosure statement filed 9/15/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

3. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing

element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

4. Claim 22 is objected to because of the following informalities:

5. Claim 22 recites the limitation "the tapered ends" in 7th from the last line. There is insufficient antecedent basis for this limitation in the claim.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The word "means" should be removed from the abstract and should be shortened to only 150 words.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-6, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroki et al.

In regard to claim 1, Kuroki et al. discloses a method of forming a weldable conduit for transporting fluids comprising the steps of:

positioning a tube 2 formed of a material having desirable properties within a pipe 1 formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe;

affixing the tube to the pipe by connecting the aligned ends thereof (see fig. 3); and compressing the pipe in a reducing operation (see fig. 5) so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube.

In regard to claim 2, wherein the tube is formed of a material having desirable corrosion-resistant and erosion-resistant properties.

In regard to claim 3, wherein the pipe is formed of a carbon steel.

In regard to claim 5, the tube is formed of a stainless steel.

In regard to claim 6, the tube is formed of an alloy containing one of more materials selected from the group of titanium.

In regard to claim 8, the tube is affixed to the pipe by tack welding the aligned ends thereof together (see fig. 3).

In regard to claim 11, the reducing operation includes forcing the pipe through a die (see fig. 5).

9. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Goetze et al.

In regard to claim 1, Goetze et al. discloses a method of forming a weldable conduit for transporting fluids comprising the steps of:

positioning a tube 10 formed of a material having desirable properties within a pipe 14 formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe;

affixing the tube to the pipe by connecting the aligned ends thereof (see fig. 2); and compressing the pipe 16 in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube.

In regard to claim 9, the tube is affixed to the pipe by clamping the aligned ends thereof together (see fig. 2).

10. Claims 1, 10 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholson.

In regard to claim 1, Goetze et al. discloses a method of forming a weldable conduit for transporting fluids comprising the steps of:

positioning a tube 3 formed of a material having desirable properties within a pipe 2 formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe;

affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube.

In regard to claim 10, the reducing operation includes rolling the pipe.

In regard to claim 54, Nicholson discloses a method of forming a weldable conduit for transporting fluids comprising the steps of:

positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material so that the pipe encircles the tube, the tube having an outer

diameter slightly less than the inner diameter of the pipe; and compressing the pipe upon the tube so that the inner surface of the pipe engages the outer diameter of the tube.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroki et al. Kuroki et al. discloses a pipe made out of different materials, but does not specifically mention the materials recited by the Applicant. However, it would have been obvious to one of ordinary skill in the art to make the pipe out of these materials because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

13. Claims 22-24, 26-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis '370 in view of Kuroki et al.

In regard to claim 22, Lewis discloses a method of forming a conduit assembly for transporting fluids, comprising the steps of:

Connecting a pair of lined conduits 202, 204 to a coupling for welded interconnection of the conduits, the coupling including:

a cylindrical body 200 formed of the same material as the tubes of the conduits, the body having:

an outer diameter that is slightly less than the inner diameter of the tubes of the conduits, and a circumferential recess intermediate the ends of the body, and a ring 28 formed of the same material as the pipes of the conduits, the ring being positioned within the recess of the body and having a circumferential stop means 30 for limiting movement of the ends of the body within the respective ends of the conduits by the ends of the conduits abutting the stop means; and at least one circumferential seal intermediate the recess and each of the tapered ends 22 of the body for sealing the interconnected conduits; temporarily affixing the ends of the conduits to one another in the region of the circumferential stop means of the ring; removing the circumferential stop means of the ring to clear an annular pathway for welded interconnection of the ends of the conduits; and welding the ends of the conduits together in the annular pathway. Lewis discloses the use of lined conduits, but does not disclose the process of making the lined conduits. Kuroki et al. teaches that the process of making lined conduits by forming a pair of weldable conduits, each of the conduits being formed by:

positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe; affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube; and

positioning the conduits in opposing relation and placing an end of each of the conduits about the respective opposing ends of the coupling is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the conduits of Lewis '370 as taught by Kuroki et al.

In regard to claim 23, wherein the tube of each conduit is formed of a material having desirable corrosion-resistant and erosion-resistant properties.

In regard to claim 24, wherein the pipe of each conduit is formed of a carbon steel.

In regard to claim 26, the tube is formed of a stainless steel.

In regard to claim 27, the tube is formed of an alloy containing one of more materials selected from the group of titanium.

In regard to claim 29, the tube is affixed to the pipe by tack welding the aligned ends thereof together.

In regard to claim 32, the reducing operation includes forcing the pipe through a die.

In regard to claim 33, the coupling further has an inner diameter that varies to form a taper at each end of the body.

In regard to claim 34, the coupling further includes an insulator positioned in the recess between the ring and the body for inhibiting the transfer of heat produced by welding the ends of the conduits together.

14. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis '370 in view of Kuroki et al. Lewis in view of Kuroki et al. discloses a pipe made out of different materials, but does not specifically mention the materials recited by the Applicant. However, it would have been obvious to one of ordinary skill in the art to make the pipe out of these materials because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

15. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis '370 in view of Goetze.

In regard to claim 22, Lewis discloses a method of forming a conduit assembly for transporting fluids, comprising the steps of:

Connecting a pair of lined conduits to a coupling for welded interconnection of the conduits, the

coupling including:

a cylindrical body formed of the same material as the tubes of the conduits, the body having:

an outer diameter that is slightly less than the inner diameter of the tubes of the conduits, and a circumferential recess intermediate the ends of the body, and a ring formed of the same material as the pipes of the conduits, the ring being positioned within the recess of the body and having a circumferential stop means for limiting movement of the ends of the body within the respective ends of the conduits by the ends of the conduits abutting the stop means; and at least one circumferential seal intermediate the recess and each of the tapered ends of the body for sealing the interconnected conduits; temporarily affixing the ends of the conduits to one another in the region of the circumferential stop means of the ring; removing the circumferential stop means of the ring to clear an annular pathway for welded interconnection of the ends of the conduits; and welding the ends of the conduits together in the annular pathway. Lewis discloses the use of lined conduits, but does not disclose the process of making the lined conduits. Goetze teaches that the process of making lined conduits by forming a pair of weldable conduits, each of the conduits being formed by:

positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe;

affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube; and

positioning the conduits in opposing relation and placing an end of each of the conduits about the respective opposing ends of the coupling is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the conduits of Lewis '370 as taught by Goetze et al.

In regard to claim 30, the tube of each conduit is affixed to the pipe by clamping the aligned ends thereof together.

16. Claims 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis '370 in view of Nicholson.

In regard to claim 22, Lewis discloses a method of forming a conduit assembly for transporting fluids, comprising the steps of:

Connecting a pair of lined conduits to a coupling for welded interconnection of the conduits, the coupling including:

a cylindrical body formed of the same material as the tubes of the conduits, the body having:

an outer diameter that is slightly less than the inner diameter of the tubes of the conduits, and a circumferential recess intermediate the ends of the body, and a ring formed of the same material as the pipes of the conduits, the ring being positioned within the recess of the body and having a circumferential stop means for limiting movement of the ends of the body within the respective ends of the conduits by the ends of the conduits abutting the stop means; and at least one circumferential seal intermediate the recess and each of the tapered ends of the body for

sealing the interconnected conduits; temporarily affixing the ends of the conduits to one another in the region of the circumferential stop means of the ring; removing the circumferential stop means of the ring to clear an annular pathway for welded interconnection of the ends of the conduits; and welding the ends of the conduits together in the annular pathway. Lewis discloses the use of lined conduits, but does not disclose the process of making the lined conduits. Nicholson teaches that the process of making lined conduits by forming a pair of weldable conduits, each of the conduits being formed by:

positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe; affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube; and

positioning the conduits in opposing relation and placing an end of each of the conduits about the respective opposing ends of the coupling is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the conduits of Lewis '370 as taught by Nicholson.

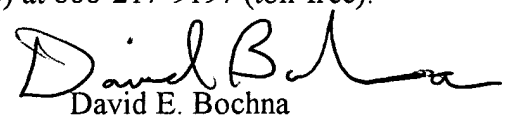
In regard to claim 31, the reducing operation includes rolling the pipe of each conduit.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 3679